

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

EIGHTIETH LEGISLATIVE DAY
WEDNESDAY, MARCH 26, 2008

House of Representatives

The House convened at 10:00 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Bradford, McGeachin, Thayne.

Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Hilary Alexander, Page.

Approval of Journal

March 26, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-ninth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 25, 2008

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 422, as amended in the Senate, and **H 548**

As Always - Idaho, "Esto Perpetua"
/s/ C. L. "Butch" Otter
Governor

OFFICE OF THE GOVERNOR
Boise

March 25, 2008

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 348, as amended, **H 350**, as amended in the Senate, **H 382**, as amended, as amended in the Senate, **H 397**, as amended in the Senate, **H 400**, **H 470**, as amended in the Senate, **H 476**, **H 480**, **H 512**, **H 517**, as amended, as amended in the Senate, **H 528**, as amended in the Senate, **H 541**, as amended, **H 543**, as amended, **H 549**, **H 609**, **H 610**, **H 611**, **H 613**, **H 621**, **H 622**, **H 625**, **H 626**, **H 627**, **H 628**, **H 629**, and **H 635**

As Always - Idaho, "Esto Perpetua"
/s/ C. L. "Butch" Otter
Governor

March 25, 2008

Mr. Speaker:

I transmit herewith enrolled **S 1497**, **S 1498**, **S 1499**, **S 1500**, **SCR 136**, **S 1356**, as amended in the House, **S 1374**, as amended in the House, and **S 1426**, as amended in the House, for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1497**, **S 1498**, **S 1499**, **S 1500**, **SCR 136**, **S 1356**, as amended in the House, **S 1374**, as amended in the House, and, **S 1426**, as amended in the House, and, when so signed, ordered them returned to the Senate.

March 25, 2008

Mr. Speaker:

I return herewith enrolled **H 489**, as amended, **H 491**, as amended in the Senate, **H 550**, **H 556**, **H 586**, and **H 657** which have been signed by the President.

WOOD, Secretary

Enrolled **H 489**, as amended, **H 491**, as amended in the Senate, **H 550**, **H 556**, **H 586**, and **H 657** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 25, 2008

Mr. Speaker:

I return herewith **H 646**, **H 647**, **H 649**, **H 651**, **H 658**, **H 659**, **H 660**, **H 665**, **H 666**, and **H 592** which have passed the Senate.

WOOD, Secretary

H 646, **H 647**, **H 649**, **H 651**, **H 658**, **H 659**, **H 660**, **H 665**, **H 666**, and **H 592** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 26, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **H 688**, and House Amendments to **H 662**, **H 664**, **H 656**, **S 1276**, **S 1425**, and **S 1413**, as amended.

CLARK, Chairman

H 688 was referred to the Revenue and Taxation Committee.

March 26, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 646**, **H 647**, **H 649**, **H 651**, **H 658**, **H 659**, **H 660**, **H 665**, **H 666** and **H 592**.

CLARK, Chairman

The Speaker announced he was about to sign enrolled **H 646**, **H 647**, **H 649**, **H 651**, **H 658**, **H 659**, **H 660**, **H 665**, **H 666** and **H 592**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 26, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 662**, as amended, **H 664**, as amended, and **H 656**, as amended.

CLARK, Chairman

H 662, as amended, **H 664**, as amended, and **H 656**, as amended were filed for first reading of engrossed bills.

March 26, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 448**, **H 449**, **H 450**, **H 563**, **H 564**, **H 588**, **H 591**, as amended, **H 604**, **H 615**, **H 619**, **H 644**, **H 645**, **H 648**, **H 650**, **H 652**, and **H 653** to the Governor at 12:00 p.m., as of this date, March 25, 2008.

CLARK, Chairman

March 26, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HJM 11**, **HCR 53**, and **HCR 58** to the Secretary of State at 1:30 p.m., as of this date, March 25, 2008.

CLARK, Chairman

March 25, 2008

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **SJM 114** and recommend that it do pass.

BLACK, Chairman

SJM 114 was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

S 1425, as amended in the House, by Health and Welfare Committee, was read the first time by title and filed for second reading.

S 1276, as amended in the House, by Agricultural Affairs Committee, was read the first time by title and filed for second reading.

S 1413, as amended, as amended in the House, by State Affairs Committee, was read the first time by title and filed for second reading.

First Reading of Engrossed Bills

H 662, as amended, **H 664**, as amended, and **H 656**, as amended, by Revenue and Taxation Committee, were read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

S 1470, **S 1455**, **S 1460**, and **SJM 113**, by State Affairs Committee, were read the second time by title and filed for third reading.

S 1379, as amended, as amended, by Transportation Committee, was read the second time by title and filed for third reading.

H 640, by Ways and Means Committee, was read the second time by title and filed for third reading.

H 566, as amended in the Senate, **H 684**, and **H 685**, by Education Committee, were read the second time by title and filed for third reading.

HCR 59, and **HJM 12**, by State Affairs Committee, were read the second time by title and filed for third reading.

H 680, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

H 681, **H 682**, **H 683**, and **H 687**, by Appropriations Committee, were read the second time by title and filed for third reading.

H 514, as amended in the Senate, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

S 1501 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood to open debate.

The question being, "Shall **S 1501** pass?"

Roll call resulted as follows:

AYES -- Anderson, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Bowers, Brackett, Chadderdon, Clark, Collins, Crane, Eskridge, Hagedorn, Henderson, Kren, Lake, Loertscher, Marriott, Moyle, Nonini, Patrick, Raybould, Roberts, Shepherd(08), Shirley, Snodgrass, Stevenson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 35.

NAYS -- Andrus, Barrett, Bock, Boe, Chavez, Chew, Durst, Hart, Harwood, Henbest, Jaquet, Killen, King, Labrador, LeFavour, Luker, Mathews, Mortimer, Nielsen, Pasley-Stuart, Pence, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shively, Smith(30), Smith(24), Thomas, Trail. Total -- 32.

Absent and excused--Bradford, McGeachin, Thayn. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1501** passed the House. Title was approved and the bill ordered returned to the Senate.

S 1503 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood to open debate.

Pursuant to Rule 38(3), Mr. Crane disclosed a conflict of interest regarding **S 1503**.

The question being, "Shall **S 1503** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused--Bradford, McGeachin, Thayn. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1503** passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Roberts asked unanimous consent that **S 1508** and **SJM 111** retain their places on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **S 1470** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of

Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1470** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- Durst. Total -- 1.

Absent and excused--Bradford, McGeachin, Schaefer, Thayn. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1470** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood to open debate.

The question being, "Shall **S 1470** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused--Bradford, McGeachin, Thayn. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1470** passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **S 1455** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1455** be read the first time by title, second time by title, and third time at

length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- Durst. Total -- 1.

Absent and excused--Bradford, McGeachin, Schaefer, Thayn. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1455** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall **S 1455** pass?"

Roll call resulted as follows:

AYES -- Anderson, Bayer, Bedke, Bilbao, Black, Bock, Boe, Bolz, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Henbest, Henderson, Jaquet, Killen, King, Kren, LeFavour, Moyle, Nonini, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shively, Smith(30), Smith(24), Snodgrass, Thomas, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 49.

NAYS -- Andrus, Barrett, Bell, Block, Bowers, Harwood, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, Mortimer, Nielsen, Raybould, Shirley, Stevenson, Wood(35). Total -- 18.

Absent and excused--Bradford, McGeachin, Thayn. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1455** passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **S 1379**, as amended, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1379**, as amended, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- Durst. Total -- 1.

Absent and excused--Bradford, McGeachin, Schaefer, Thayn. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1379**, as amended, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Shepherd to open debate.

Mr. Nonini asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **S 1379**, as amended, as amended. There being no objection, it was so ordered.

The question being, "Shall **S 1379**, as amended, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused--Bedke, Bell, Bradford, McGeachin, Thayn. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **S 1379**, as amended, as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **S 1460** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1460** be

read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- Durst. Total -- 1.

Absent and excused--Bradford, McGeachin, Schaefer, Thayne. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1460** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood to open debate.

Mrs. Wood asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **S 1460**. There being no objection, it was so ordered.

The question being, "Shall **S 1460** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Chadderdon, Chavez, Chew, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Luker, Marriott, Mortimer, Moyle, Nielsen, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 58.

NAYS -- Barrett, Bayer, Clark, Harwood, Loertscher, Mathews, Nonini, Shepherd(08). Total -- 8.

Absent and excused--Bedke, Bradford, McGeachin, Thayne. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1460** passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **SJM 113** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **SJM 113** be

read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- Durst. Total -- 1.

Absent and excused--Bradford, McGeachin, Schaefer, Thayne. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **SJM 113** was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood to open debate.

At this time, Mr. Bedke took the Chair.

The question being, "Shall **SJM 113** be adopted?"

Whereupon the Speaker Pro Tem declared **SJM 113** adopted by voice vote and ordered the memorial returned to the Senate.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **H 640** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 640** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- Durst. Total -- 1.

Absent and excused--Bradford, McGeachin, Schaefer, Thayn.

Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 640** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Wood to open debate.

Mrs. Wood asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 640**. There being no objection, it was so ordered.

The question being, "Shall **H 640** pass?"

Roll call resulted as follows:

AYES -- Andrus, Barrett, Bedke, Black, Boe, Bowers, Hagedorn, Hart, Labrador, Lake, Mortimer, Moyle, Nielsen, Raybould, Roberts, Ruchti, Smith(24), Stevenson, Thomas, Wills, Wood(35). Total -- 21.

NAYS -- Anderson, Bayer, Bilbao, Block, Bock, Bolz, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Nonini, Pasley-Stuart, Patrick, Pence, Ringo, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Snodgrass, Trail, Vander Woude. Total -- 44.

Absent and excused--Bell, Bradford, Thayn, Wood(27), Mr. Speaker. Total -- 5.

Paired Votes:

AYE -- Roberts NAY -- McGeachin

(Pairs enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 640** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **H 566**, as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 566**, as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker,

Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- Durst. Total -- 1.

Absent and excused--Bradford, McGeachin, Schaefer, Thayn.

Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 566**, as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Patrick to open debate.

The question being, "Shall **H 566**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Anderson, Bayer, Bedke, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(35). Total -- 62.

NAYS -- Andrus, Barrett. Total -- 2.

Absent and excused--Bell, Bradford, McGeachin, Thayn, Wood(27), Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 566**, as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **HCR 59** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **HCR 59** be read the first time by title, second time by title, and third time at length and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker,

Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker.
Total -- 65.

NAYS -- Durst. Total -- 1.

Absent and excused--Bradford, McGeachin, Schaefer, Thayne.

Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **HCR 59** was read the first time by title, second time by title, and third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Nonini to open debate.

The question being, "Shall **HCR 59** be adopted?"

Whereupon the Speaker Pro Tem declared **HCR 59** adopted by voice vote and ordered the resolution transmitted to the Senate.

Mr. Roberts moved that the House recess until 1:15 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House at recess until 1:15 p.m.

RECESS

Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused --Bradford, McGeachin, Moyle, Thayne.

Total --4 .

Total -- 70.

Prior to recess, the House was at the Seventh Order of Business.

Motions, Memorials, and Resolutions

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 25, 2008

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 614

As Always - Idaho, "Esto Perpetua"

/s/ C. L. "Butch" Otter

Governor

March 26, 2008

Mr. Speaker:

I transmit herewith enrolled **S 1343, S 1438**, as amended, **S 1502, S 1504, S 1505, S 1511, SCR 137, SCR 138**, and **SCR 139** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1343, S 1438**, as amended, **S 1502, S 1504, S 1505, S 1511, SCR 137, SCR 138**, and **SCR 139** and, when so signed, ordered them returned to the Senate.

March 26, 2008

Mr. Speaker:

I transmit herewith **S 1485** which has passed the Senate.

WOOD, Secretary

S 1485 was filed for first reading.

March 26, 2008

Mr. Speaker:

I return herewith **H 451**, as amended, **H 618, H 559, H 667, H 668**, and **H 669** which have passed the Senate.

WOOD, Secretary

H 451, as amended, **H 618, H 559, H 667, H 668**, and **H 669** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 26, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 566**, as amended in the Senate, **H 451**, as amended, **H 618, H 559, H 667, H 668**, and **H 669**.

CLARK, Chairman

The Speaker announced he was about to sign enrolled **H 566**, as amended in the Senate, **H 451**, as amended, **H 618, H 559, H 667, H 668**, and **H 669** and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 26, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 489**, as amended, **H 491**, as amended in the Senate, **H 550, H 556, H 586**, and **H 657** to the Governor at 11:05 a.m., as of this date, March 26, 2008.

CLARK, Chairman

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE PROCLAMATION NO. 4 BY STATE AFFAIRS COMMITTEE A PROCLAMATION

COMMEMORATING AND CELEBRATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE UNITED STATES ARMY RESERVE AND HONORING THE MEN AND WOMEN OF THE UNITED STATES ARMY RESERVE.

We, the members of the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby proclaim:

WHEREAS, on April 23, 1908, the Congress of the United States created the Medical Reserve Corps, a group of 360 doctors formed to provide the nation with a reservoir of trained medical officers in a time of war; and

WHEREAS, on April 23, 2008, the nation will celebrate the 100th anniversary of the founding of the United States Army Reserve; and

WHEREAS, for 100 years the Army Reserve has expanded upon this successful model that leverages civilian skills and patriotism; and

WHEREAS, in the event of national disasters such as hurricanes and flooding, Army Reserve soldiers are on the scene to support humanitarian and relief operations; and

WHEREAS, soldiers in the Army Reserve use their civilian and military training to safeguard the nation's data, develop secure communications technologies, and maintain, process and troubleshoot military information systems; and

WHEREAS, the Army Reserve responds to chemical and biological threats, provides biohazard training to federal agencies and plays a crucial role in the maintenance and supervision of nuclear, biological and chemical detection and decontamination equipment; and

WHEREAS, soldiers in the Army Reserve operate the transportation and supply systems that keep the Army in motion, supplying troops around the world; and

WHEREAS, during times of both war and peace, soldiers in the Army Reserve help countries establish or restore governmental institutions and functions; and

WHEREAS, Army Reserve soldiers assist U.S. and foreign governments, militaries and civilian populations with psychological operations during times of peace, crisis and conflict; and

WHEREAS, the Army Reserve staffs most of the Army's hospitals, triage centers, clinics and field medical care units as their medical capabilities often exceed active duty personnel capabilities because of the civilian experience they bring to the job; and

WHEREAS, the Army Reserve has played integral roles in World War I, World War II, Korea, Vietnam, the Cold War, Panama, the Persian Gulf, Somalia, Haiti, Bosnia, Kosovo, the Iraq War and the Global War on Terror; and

WHEREAS, the Army Reserve is a vital part of the world's best military providing specialized, skill-rich services.

NOW, THEREFORE, BE IT PROCLAIMED by the members of the House of Representatives assembled in the Second Regular

Session of the Fifty-ninth Idaho Legislature, that we join in commemoration and celebration of the 100th anniversary of the founding of the United States Army Reserve and we respectfully honor the men and women of the United States Army Reserve as they work not only to defend their homeland against terrorist attack, but also to lend invaluable support to countries around the world that are searching and reaching for the kind of freedom we too often take for granted.

HP 4 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 689 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO GENERATION OF HIGHWAY REVENUES; AMENDING SECTION 40-701, IDAHO CODE, TO REVISE THE APPORTIONMENT OF MONEYS FROM THE HIGHWAY DISTRIBUTION ACCOUNT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-402, IDAHO CODE, TO INCREASE THE ANNUAL REGISTRATION FEE ON MOTOR VEHICLES WITH A MAXIMUM GROSS WEIGHT NOT EXCEEDING EIGHT THOUSAND POUNDS; AMENDING SECTION 49-434, IDAHO CODE, TO INCREASE OPERATING FEES FOR COMMERCIAL, NONCOMMERCIAL AND FARM VEHICLES HAVING A MAXIMUM GROSS WEIGHT NOT EXCEEDING SIXTY THOUSAND POUNDS, TO INCREASE THE REGISTRATION FEE ON COMMERCIAL TRAILERS AND TO INCREASE THE FEES FOR VEHICLES HAVING A MAXIMUM GROSS WEIGHT IN EXCESS OF SIXTY THOUSAND POUNDS; AMENDING SECTION 63-2402, IDAHO CODE, TO INCREASE THE MOTOR FUEL TAX FROM TWENTY-FIVE CENTS TO TWENTY-EIGHT CENTS PER GALLON; AMENDING SECTION 63-2424, IDAHO CODE, TO INCREASE THE ANNUAL FEE FOR GASEOUS FUEL PERMITS; DIRECTING THE IDAHO TRANSPORTATION DEPARTMENT TO APPLY THE FEE SCHEDULES IN SECTION 3 OF THIS ACT TO REGISTRATIONS EFFECTIVE ON AND AFTER JANUARY 1, 2009, TO ALL APPLICATIONS SUBMITTED DURING THE PERIOD JULY THROUGH DECEMBER 2008; PROVIDING SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

HOUSE BILL NO. 690 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO FUELS TAX; AMENDING SECTION 63-2407, IDAHO CODE, TO REMOVE CERTAIN GASOLINE, BIODIESEL AND BIODIESEL BLEND DEDUCTIONS FROM THE LICENSED DISTRIBUTOR MONTHLY REPORT.

H 689 and **H 690** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1485, by State Affairs Committee, was introduced, read the first time by title, and referred to the Revenue and Taxation Committee.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Bedke moved that the House adjourn until 10:00 a.m., Thursday, March 27, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:32 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk